

Disparities in Sentencing among Inmates with Mandatory Minimum Sentences

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This report explores the impact of Mandatory Minimum (MM) sentences for certain criminal offenses¹ on the total imposed sentences of State Responsible (SR) incarcerated inmates by gender and race. VADOC analyzed the sentencing information for inmates in the SR Confined Population on June 30, 2019².

Factors that can impact sentencing include prior criminal history, type of current offense and number of offenses. Accordingly, on the tables on pages 3 and 4 of this report, the number of inmates in each group are included along with the average number of offenses each had, the average number of prior SR incarcerations each had and the average and median total sentence they had, and the average and median sentence they had for mandatory minimum sentences. Note, if the median is different than the average, it indicates there may be some exceptionally high or low sentences influencing the average. For example, if the median is 36 and the average is 30, there are likely some outliers with very low sentences. Conversely, if the average is 36 and the median is 30, there are likely some outliers with very high sentences. Determining if sentence disparity is significantly different (statistically) would require additional analysis to control for these differences.

The key findings of this analysis are presented below.

Key Findings:

- Black inmates, on average, have more MM sentences than do White inmates. Forty-one percent Black inmates (7,236, 40.5%) have one or more MM sentences while more than one-quarter of White inmates (3,691, 25.9%) do so.
- MM sentences are not implemented consistently. For example, offenses with MM sentences are supposed to run consecutively with any other imposed sentences, but oftentimes, the courts order the MM sentences to run concurrently with other sentences (either another MM sentence or non-MM sentences). Below are some examples.
 - Inmate X was convicted and sentenced for nine counts of OBS-3681-F9 (Reproduce, transmit, sell, etc., child pornography, subsequent conviction), each of which has an MM sentence of five years to run consecutively with any other sentences. The court ordered that these sentences run concurrently with each other (and other offenses). As a result, this inmate is serving a total imposed sentence of 24 years rather than the statutorily specified total of 45 years.
 - Inmate Y was convicted and sentenced for two counts of NAR-3038-F9 (Sell, poss. w/intent, distribute, etc. Schedule I/II drugs - second conviction), each of which has an MM sentence of three years to run consecutively with any other sentences. The court ordered that these sentences run concurrently with each other (and other offenses). As a result, this inmate is serving a total imposed sentence of 4.5 years rather than the statutorily specified total of 6 years.

¹ See the Appendix beginning on Page 7 of this report for a complete list of offenses with Mandatory Minimum sentences.

² Inmates serving an active term of State Responsible incarceration on June 30, 2019, regardless of where they are incarcerated (i.e. in a VADOC Facility or in a local/regional jail). A State Responsible inmate is person convicted of at least one felony and sentenced to one year or more of incarceration.

- Inmate Z was also convicted and sentenced for two counts of NAR-3038-F9 (Sell, poss. w/intent, distribute, etc. Schedule I/II drugs - second conviction). The court ordered that these sentences run concurrently with each other and suspended all of the sentences for the inmate's other charges. As result, this inmate is serving a total imposed sentence of 3 years rather than the statutorily specified total of 6 years.
- Within the Violent crime types, Black inmates, on average, receive longer sentences than White inmates regardless of whether or not the inmates have offenses with MM sentences. Additionally, the total imposed sentences for inmates with non-MM offenses may be longer than the imposed sentences for inmates with MM offenses. Examples are below.
 - Among inmates with an MSO of Abduction, the average total imposed sentence for Black inmates with an MM offense was 17% longer than the average total imposed sentence for White inmates, while the average total imposed sentence for Black inmates with non-MM offenses was 28% longer than the average total imposed sentence for White inmates.
 - Among inmates with an MSO of Assault, the average total imposed sentence for Black inmates with an MM offense was 43% longer than the average total imposed sentence for White inmates, while the average total imposed sentence for Black inmates with non-MM offenses was 22% longer than the average total imposed sentence for White inmates.
- Within the Property/Public Order (PPO) and Drug crime types, Black inmates, on average, receive longer sentences than White inmates regardless of whether or not the inmates have offenses with MM sentences. However, unlike the Violent crime type, the total imposed sentences for inmates with the PPO and Drug crime types with MM offenses may be longer than the total imposed sentences for inmates with non-MM offenses.
 - Among inmates with a Larceny/Fraud MSO, the average total imposed sentence for Black inmates with an MM offense was 14% longer than the average total imposed sentence for White inmates, while the average total imposed sentence for Black inmates with non-MM offenses was 9% longer than the average total imposed sentence for White inmates.
 - Among inmates with a Drug Sale MSO, the average total imposed sentence for Black inmates with an MM offense was 42% longer than the average total imposed sentence for White inmates, while the average total imposed sentence for Black inmates with non-MM offenses was 65% longer than the average total imposed sentence for White inmates.
- Male inmates, on average, have more MM sentences than do Female inmates. Over one-third of Male inmates have an MM sentence (10,454 or 35.3%) while 19.4% of Female inmates (n=528) do so.
- More detailed information by gender, race, and MSO can be found in the table on Pages 3-6 of this report.

Inmates Sentenced With and Without Mandatory Minimums in the SR Confined Population by Race & Most Serious Offense
(as of June 30, 2019)

Most Serious Offense	Inmates Sentenced for Offenses WITHOUT Mandatory Minimums						Inmates Sentenced for Offenses WITH Mandatory Minimums											
	Total Imposed Sentence						Mandatory Minimum Portion of Total Imposed Sentence						Total Imposed Sentence					
	White			Black			White			Black			White			Black		
N	Avg.	Median	N	Avg.	Median	N	Avg.	Median	N	Avg.	Median	N	Avg.	Median	N	Avg.	Median	
Capital Murder	17	633.3	308.0	37	595.8	492.0	2	138.0	138.0	5	160.8	36.0	2	210.0	210.0	5	914.4	300.0
First Degree Murder	380	522.6	456.5	760	551.4	480.0	97	68.0	36.0	424	80.8	36.0	97	469.9	456.0	424	551.8	480.0
Second Degree Murder	205	299.4	276.0	340	314.6	298.5	67	40.0	36.0	235	47.6	36.0	67	270.2	240.0	235	297.2	264.0
Manslaughter	142	121.4	96.0	156	158.6	120.0	102	91.3	75.1	92	75.9	60.0	102	147.2	120.0	92	193.3	157.7
Abduction	509	429.7	300.0	784	548.1	402.0	158	79.5	51.0	450	118.6	96.0	158	319.7	192.3	450	375.0	264.0
Rape/Sexual Assault	1,985	272.4	180.0	1,172	315.8	228.0	154	114.6	60.0	122	87.0	36.0	154	345.9	207.0	122	323.3	240.0
Robbery	721	202.1	132.0	1,816	278.0	192.0	458	60.6	36.0	1,937	75.7	60.0	458	208.1	156.0	1,937	220.1	174.0
Assault	1,080	129.9	74.0	1,198	158.2	96.0	640	39.3	30.0	1,087	57.0	36.0	640	115.7	72.0	1,087	165.8	120.0
Weapons	75	49.7	24.0	121	39.4	26.0	209	52.8	36.0	515	63.3	48.0	209	69.0	48.3	515	68.0	58.0
Arson	84	129.9	79.0	34	120.2	57.0	12	27.7	21.0	1	54.0	54.0	12	74.4	69.5	1	60.0	60.0
Burglary	1,212	107.2	71.0	829	107.3	69.0	277	40.7	27.0	208	51.1	36.0	277	129.2	108.0	208	149.4	118.5
Conspiracy	26	161.1	120.0	21	220.0	120.0	6	92.5	37.5	4	108.5	78.0	6	147.2	114.0	4	293.2	215.5
Larceny/Fraud	2,116	52.9	42.0	1,482	57.8	42.0	334	31.8	24.0	341	39.0	24.0	334	71.2	60.0	341	81.5	63.0
Sex Offense	415	106.3	60.0	107	60.8	38.0	248	184.6	72.0	41	126.3	72.0	248	212.5	96.0	41	180.9	108.0
DUI	4	20.6	19.5	3	13.0	12.0	213	36.9	35.0	105	35.7	30.0	213	42.5	36.3	105	40.4	36.0
Habitual Offender	76	32.5	24.0	70	27.7	24.0	66	23.2	22.0	81	23.3	20.0	66	31.1	25.2	81	30.4	24.0
Other Property	16	45.4	31.0	18	39.7	25.5	2	19.0	19.0	2	0.7	0.7	2	22.0	22.0	2	59.9	59.9
Drug Sales	935	52.0	40.0	977	86.0	59.0	507	60.7	48.0	1,269	94.4	72.0	507	88.2	72.0	1,269	125.8	105.0
Drug Possession	583	34.2	27.1	696	62.9	39.0	139	30.0	24.0	317	43.4	30.0	139	57.7	45.3	317	84.1	62.0

Inmates Sentences With and Without Mandatory Minimums in the SR Confined Population by Gender & Most Serious Offense
(as of June 30, 2019)

Most Serious Offense	Inmates Sentenced for Offenses WITHOUT Mandatory Minimums						Inmates Sentenced for Offenses WITH Mandatory Minimums											
	Total Imposed Sentence						Mandatory Minimum Portion of Total Imposed Sentence						Total Imposed Sentence					
	Male			Female			Male			Female			Male			Female		
N	Avg.	Median	N	Avg.	Median	N	Avg.	Median	N	Avg.	Median	N	Avg.	Median	N	Avg.	Median	
Capital Murder	54	615.4	453.0	1	240.0	240.0	7	154.3	96.0	0	0.0	0.0	7	713.1	276.0	0	0.0	0.0
First Degree Murder	1,039	553.4	480.0	114	436.5	360.0	503	78.0	36.0	24	76.3	36.0	503	541.8	480.0	24	391.5	390.0
Second Degree Murder	479	313.7	300.0	69	275.7	240.0	284	46.3	36.0	18	40.7	36.0	284	295.3	263.5	18	225.7	198.3
Manslaughter	246	146.3	103.5	54	116.8	97.0	176	84.5	60.0	18	79.4	60.0	176	170.3	132.0	18	157.3	126.0
Abduction	1,281	506.4	360.0	25	215.8	144.0	601	108.6	96.0	12	80.7	40.0	601	362.4	240.3	12	257.3	150.0
Rape/Sexual Assault	3,165	288.0	192.0	34	267.8	120.0	274	103.3	60.0	7	121.0	36.0	274	337.5	236.4	7	248.1	169.0
Robbery	2,435	263.1	180.0	113	112.5	80.0	2,330	73.0	54.0	78	65.4	36.0	2,330	219.5	172.0	78	159.3	120.0
Assault	2,049	150.1	85.0	250	99.8	60.0	1,630	51.6	36.0	101	30.6	24.0	1,630	151.1	103.0	101	82.5	48.0
Weapons	192	43.9	26.5	6	32.0	26.0	707	60.2	48.0	19	61.3	36.0	707	68.7	54.0	19	62.2	36.0
Arson	107	133.9	78.0	11	60.8	36.0	13	29.7	24.0	0	0.0	0.0	13	73.3	67.0	0	0.0	0.0
Burglary	1,936	108.7	72.0	113	80.6	60.0	474	45.9	36.0	12	14.7	12.5	474	139.6	108.6	12	63.5	46.7
Conspiracy	36	182.5	120.0	13	185.1	105.0	9	105.6	60.0	1	39.0	39.0	9	217.4	149.0	1	99.0	99.0
Larceny/Fraud	2,716	56.9	42.0	891	48.6	38.0	612	36.6	24.0	66	23.8	18.5	612	78.7	63.0	66	55.4	41.7
Sex Offense	515	97.1	56.1	9	73.7	48.0	286	176.2	72.0	7	114.9	120.0	286	207.0	96.0	7	175.7	120.0
DUI	6	18.2	16.5	1	12.0	12.0	292	37.0	30.0	32	33.5	36.0	292	42.4	36.0	32	38.1	39.3
Habitual Offender	139	30.8	24.0	10	23.4	21.5	144	23.5	21.0	3	12.1	12.0	144	30.8	24.0	3	26.2	24.0
Other Property	28	42.3	28.5	7	43.6	36.0	4	9.9	6.5	0	0.0	0.0	4	41.0	25.5	0	0.0	0.0
Drug Sales	1,652	73.6	48.0	270	42.9	36.0	1,673	86.1	72.0	106	63.0	46.0	1,673	116.5	96.0	106	90.2	73.5
Drug Possession	1,058	54.2	36.0	225	30.5	24.0	435	40.2	24.3	24	21.6	24.0	435	77.8	60.0	24	42.3	36.0

Male Inmates in the SR Confined Population by Race & Most Serious Offense (as of June 30, 2019)

Most Serious Offense	Male													
	Black							White						
	N	Avg # prior SR	Avg # of Offenses per Inmate	Total Sentence		Mandatory Minimum Sentence		N	Avg # prior SR	Avg # of Offenses per Inmate	Total Sentence		Mandatory Minimum Sentence	
				Avg.	Median	Avg.	Median				Avg.	Median		
Capital Murder	42	0.5	6.9	633.7	481.0	160.8	36.0	18	0.4	8.0	608.1	305.0	138.0	138.0
First Degree Murder	1111	0.3	4.6	557.9	480.0	78.8	36.0	403	0.2	3.7	528.7	480.0	63.0	36.0
Second Degree Murder	525	0.4	2.8	309.9	276.0	47.8	36.0	235	0.4	2.3	300.0	276.0	40.2	36.0
Manslaughter	221	0.5	3.4	175.4	120.0	72.5	60.0	200	0.4	3.4	135.3	109.0	95.3	89.0
Abduction	1218	0.6	8.0	488.6	348.0	117.1	96.0	647	0.6	6.6	408.5	265.0	79.1	54.0
Rape/Sexual Assault	1284	0.7	4.3	317.3	228.2	82.9	36.0	2106	0.4	4.0	277.9	180.0	111.6	60.0
Robbery	3652	0.6	5.6	250.9	180.0	74.7	60.0	1090	0.8	5.6	211.8	150.0	58.0	36.0
Assault	2138	0.9	4.3	165.8	114.0	57.0	36.0	1518	0.8	4.4	129.4	77.9	40.4	35.5
Weapons	625	0.8	2.1	62.3	48.0	63.0	48.0	270	0.8	2.3	65.1	45.5	53.2	36.5
Arson	29	1.3	4.3	134.2	60.0	42.0	42.0	91	1.1	5.2	125.2	78.0	26.7	24.0
Burglary	1010	1.2	5.8	116.9	77.0	45.5	36.0	1392	1.2	7.5	113.4	77.7	35.5	24.0
Conspiracy	23	1.1	5.3	245.1	156.0	97.6	60.0	20	0.6	4.1	136.1	120.0	103.2	36.0
Larceny/Fraud	1529	1.9	4.2	64.3	46.0	33.5	24.0	1792	1.4	4.5	58.1	47.0	25.9	18.0
Sex Offense	147	1.6	3.3	92.9	52.4	122.7	72.0	650	0.3	4.6	146.7	72.0	186.6	72.0
DUI	104	1.6	3.0	39.3	33.7	35.3	30.0	188	1.3	2.9	43.1	36.0	37.7	33.0
Habitual Offender	146	1.8	2.1	29.2	24.0	23.3	20.0	134	1.5	2.3	32.4	24.3	23.7	23.0
Other Property	18	1.4	2.9	42.5	25.5	0.7	0.7	13	0.9	2.2	41.3	30.0	19.0	19.0
Drug Sales	2176	1.3	3.3	109.2	84.0	95.3	72.0	1134	0.9	3.1	69.0	54.0	62.3	48.0
Drug Possession	949	1.3	2.6	72.2	48.0	43.8	30.0	538	1.0	2.3	41.0	34.0	31.3	24.0

Female Inmates in the SR Confined Population by Race & Most Serious Offense (as of June 30, 2019)

Most Serious Offense	Inmates Sentenced for Offenses WITHOUT Mandatory Minimums						Inmates Sentenced for Offenses WITH Mandatory Minimums											
	Total Imposed Sentence						Mandatory Minimum Portion of Total Imposed Sentence						Total Imposed Sentence					
	White			Black			White			Black			White			Black		
N	Avg.	Median	N	Avg.	Median	N	Avg.	Median	N	Avg.	Median	N	Avg.	Median	N	Avg.	Median	
Capital Murder	17	633.3	308.0	37	595.8	492.0	2	138.0	138.0	5	160.8	36.0	2	210.0	210.0	5	914.4	300.0
First Degree Murder	380	522.6	456.5	760	551.4	480.0	97	68.0	36.0	424	80.8	36.0	97	469.9	456.0	424	551.8	480.0
Second Degree Murder	205	299.4	276.0	340	314.6	298.5	67	40.0	36.0	235	47.6	36.0	67	270.2	240.0	235	297.2	264.0
Manslaughter	142	121.4	96.0	156	158.6	120.0	102	91.3	75.1	92	75.9	60.0	102	147.2	120.0	92	193.3	157.7
Abduction	509	429.7	300.0	784	548.1	402.0	158	79.5	51.0	450	118.6	96.0	158	319.7	192.3	450	375.0	264.0
Rape/Sexual Assault	1,985	272.4	180.0	1,172	315.8	228.0	154	114.6	60.0	122	87.0	36.0	154	345.9	207.0	122	323.3	240.0
Robbery	721	202.1	132.0	1,816	278.0	192.0	458	60.6	36.0	1,937	75.7	60.0	458	208.1	156.0	1,937	220.1	174.0
Assault	1,080	129.9	74.0	1,198	158.2	96.0	640	39.3	30.0	1,087	57.0	36.0	640	115.7	72.0	1,087	165.8	120.0
Weapons	75	49.7	24.0	121	39.4	26.0	209	52.8	36.0	515	63.3	48.0	209	69.0	48.3	515	68.0	58.0
Arson	84	129.9	79.0	34	120.2	57.0	12	27.7	21.0	1	54.0	54.0	12	74.4	69.5	1	60.0	60.0
Burglary	1,212	107.2	71.0	829	107.3	69.0	277	40.7	27.0	208	51.1	36.0	277	129.2	108.0	208	149.4	118.5
Conspiracy	26	161.1	120.0	21	220.0	120.0	6	92.5	37.5	4	108.5	78.0	6	147.2	114.0	4	293.2	215.5
Larceny/Fraud	2,116	52.9	42.0	1,482	57.8	42.0	334	31.8	24.0	341	39.0	24.0	334	71.2	60.0	341	81.5	63.0
Sex Offense	415	106.3	60.0	107	60.8	38.0	248	184.6	72.0	41	126.3	72.0	248	212.5	96.0	41	180.9	108.0
DUI	4	20.6	19.5	3	13.0	12.0	213	36.9	35.0	105	35.7	30.0	213	42.5	36.3	105	40.4	36.0
Habitual Offender	76	32.5	24.0	70	27.7	24.0	66	23.2	22.0	81	23.3	20.0	66	31.1	25.2	81	30.4	24.0
Other Property	16	45.4	31.0	18	39.7	25.5	2	19.0	19.0	2	0.7	0.7	2	22.0	22.0	2	59.9	59.9
Drug Sales	935	52.0	40.0	977	86.0	59.0	507	60.7	48.0	1,269	94.4	72.0	507	88.2	72.0	1,269	125.8	105.0
Drug Possession	583	34.2	27.1	696	62.9	39.0	139	30.0	24.0	317	43.4	30.0	139	57.7	45.3	317	84.1	62.0

Appendix – Criminal Offenses with Mandatory Minimum Sentences

Description	Code	Mandatory Minimum
Sell or distribute cigarettes not in directory, ≥ 3000 pkgs.	AGR-4632-M1	90 D
Possess, import, etc., cigarettes not in directory, ≥ 3000 pkgs.	AGR-4634-M1	90 D
Sale, illegal alcohol - subsequent	ALC-4163-M1	30 D
Simple assault, on teacher, principal, school employee, etc. w/weapon	ASL-1311-M1	6 M
Simple assault, on teacher, principal, school employee, etc.	ASL-1312-M1	2 D
Hate crime; simple assault	ASL-1314-M1	30 D
Firearm use in commission of felony - first offense	ASL-1319-F9	3 Y
Firearm use in commission of felony - subsequent offense	ASL-1323-F9	5 Y
Law enforcement officer, fire or rescue personnel	ASL-1325-M1	6 M
Malicious bodily injury to law enforcement officer	ASL-1326-F3	1 Y
Malicious bodily injury to law enforcement, fire or EMS	ASL-1326-F9	2 Y
Non-malicious injury to law enforcement, fire/EMS personnel, etc.	ASL-1330-F6	1 Y
Hate crime; assault and battery (felony)	ASL-1341-F6	30 D
Simple assault on law enforcement, court, DOC, fire/medical, etc.	ASL-1342-F6	6 M
Battery against health care provider in an emergency facility	ASL-1352-M1	2 D
Third conviction within 10 years	DWI-5405-F6	10 D
Fourth or subsequent conviction within 10 years	DWI-5406-F6	1 Y
Second conviction within 5 years	DWI-5410-S9	5 D
Third conviction within 5 to 10 years	DWI-5411-S9	10 D
Third conviction within 5 years	DWI-5412-S9	30 D
2nd DWI commercial vehicle w/in < 5 yrs.	DWI-5418-S9	20 D
2nd DWI commercial vehicle within less than 5 yrs.	DWI-5418-S9	5 D
2nd DWI commercial vehicle w/in 5 to 10 yrs	DWI-5419-S9	10 D
2nd DWI commercial vehicle within 5 to 10 years	DWI-5419-S9	2 D
3rd DWI commercial vehicle within 5 yrs.	DWI-5420-F6	6 M
3rd DWI commercial vehicle within less than 5 yrs.	DWI-5420-S9	30 D
3rd DWI commercial vehicle within 10 yrs.	DWI-5421-F6	90 D
3rd DWI commercial vehicle within 5 to 10 yrs.	DWI-5421-S9	10 D
First conviction, blood alcohol level .20 to .25	DWI-5434-M1	5 D
First conviction, blood alcohol level > .25	DWI-5435-M1	10 D
Second conviction within 10 years, blood alcohol level .20 to .25	DWI-5436-S9	10 D
Second conviction within 10 years, blood alcohol level > .20	DWI-5437-S9	20 D
Third conviction within 5 Years	DWI-5438-F6	30 D
First conviction, blood alcohol level .15 to .20	DWI-5443-M1	5 D
First conviction, blood alcohol level > .20	DWI-5444-M1	10 D
Second conviction within 10 years, blood alcohol level .15 to .20	DWI-5445-S9	20 D
Second conviction within 10 years, blood alcohol level > .20	DWI-5446-S9	30 D
Second conviction within 5 to 10 years	DWI-5447-S9	10 D
Second conviction within less than 5 years	DWI-5448-S9	20 D
Third conviction within 10 years	DWI-5449-F6	90 D
Third conviction within 5 Years	DWI-5450-F6	6 M
First conviction w/child	DWI-5451-M1	5 D
First conviction, blood alcohol level .15 to .20 w/child	DWI-5452-M1	10 D
First conviction, blood alcohol level > .20 w/child	DWI-5453-M1	15 D
Second conviction within 10 years, BAC .15-.20 w/child	DWI-5454-S9	25 D
Second conviction within 10 years, BAC > .20 w/child	DWI-5455-S9	25 D
Second conviction within 5 to 10 years w/child	DWI-5456-S9	15 D
Second conviction within less than 5 years w/child	DWI-5457-S9	25 D
Third conviction within 10 years w/child	DWI-5458-F6	95 D
Third conviction within 5 Years w/child	DWI-5459-F6	6M 5D
Fourth or subsequent conviction within 10 years w/child	DWI-5460-F6	1Y 5D
First conviction, influence of drugs w/child	DWI-5463-M1	5 D
Second conviction within less than 5 years, drugs	DWI-5464-S9	20 D
Second conviction within 5 to 10 years, drugs	DWI-5465-S9	10 D
Second conviction within less than 5 years, drugs, w/child	DWI-5466-S9	25 D
Second conviction within 5 to 10 years, drugs, w/child	DWI-5467-S9	15 D
Third conviction within 10 years, influence of drugs	DWI-5468-F6	90 D

Description	Code	Mandatory Minimum
Third conviction within 5 years, influence of drugs	DWI-5469-F6	6 M
Third conviction within 10 years, drugs, w/child	DWI-5470-F6	95 D
Third conviction within 5 Years, drugs, w/child	DWI-5471-F6	6M 5D
Fourth or subsequent conviction within 10 yr., drugs	DWI-5472-F6	1 Y
Fourth or subsequent conviction within 10 yr., drugs, w/child	DWI-5473-F6	1Y 5D
Second conviction within less than 5 years .15-.20 blood alcohol level	DWI-5474-S9	30 D
Second conviction within less than 5 years, blood alcohol level > .20	DWI-5475-S9	40 D
Second conviction within 5 to 10 years, blood alcohol level .15 to .20	DWI-5476-S9	20 D
Second conviction within 5 to 10 years, blood alcohol level > .20	DWI-5477-S9	30 D
Second conviction within less than 5 years, BAC .15-.20 w/child	DWI-5479-S9	35 D
Second conviction within less than 5 years, BAC > .20 w/child	DWI-5480-S9	45 D
Second conviction within 5 to 10 years, BAC .15 to .20 w/child	DWI-5481-S9	25 D
Second conviction within 5 to 10 years, BAC > .20 w/child	DWI-5482-S9	35 D
2nd DWI commercial vehicle w/in < 5 yrs., drug	DWI-5484-S9	20 D
2nd DWI commercial vehicle w/in less than 5 yrs., drug	DWI-5484-S9	5 D
2nd DWI commercial vehicle w/in 5 to 10 years, drug	DWI-5485-S9	2 D
2nd DWI commercial vehicle w/in 5 to 10 yrs: drug	DWI-5485-S9	10 D
3rd DWI commercial vehicle w/in less than 5 yrs., drug	DWI-5486-S9	30 D
3rd DWI commercial vehicle w/in 5 to 10 yrs., drug	DWI-5487-S9	10 D
2nd DWI commercial vehicle w/in less than 5 yrs., drug & alcohol	DWI-5489-S9	5 D
2nd DWI commercial vehicle w/in 5 to 10 years, drug & alcohol	DWI-5490-S9	2 D
3rd DWI commercial vehicle w/in less than 5 yrs., drug & alcohol	DWI-5491-S9	30 D
3rd DWI commercial vehicle w/in 5 to 10 yrs., drug & alcohol	DWI-5492-S9	10 D
Prior DWI manslaughter, assault, felony DWI	DWI-5493-F6	1 Y
Prior DWI manslaughter, assault, felony DWI w/child	DWI-5494-F6	1Y 5D
3rd w/5 yrs - prior DWI manslaughter, assault or felony DWI	DWI-5495-F6	1Y 6 M
3rd w/5 yrs - prior DWI manslaughter, assault or felony DWI w/child	DWI-5496-F6	1Y6M 5D
3rd w/10 yrs - prior DWI manslaughter, assault or felony DWI	DWI-5497-F6	1Y 90D
3rd w/10 yrs - prior DWI manslaughter, assault or felony DWI w/child	DWI-5498-F6	1Y 95D
1st DWI commercial vehicle: BAC .15 to .20	DWI-5573-M1	5 D
1st DWI commercial vehicle: BAC > .20	DWI-5574-M1	10 D
1st DWI commercial vehicle: with child	DWI-5575-M1	5 D
1st DWI commercial vehicle: BAC .15 to .20 w/child	DWI-5576-M1	10 D
1st DWI commercial vehicle: BAC > .20 w/child	DWI-5577-M1	15 D
1st DWI commercial vehicle: drug w/child	DWI-5578-M1	5 D
2nd DWI commercial vehicle w/in < 5 yrs: BAC .15 to .20	DWI-5580-S9	30 D
2nd DWI commercial vehicle w/in < 5 yrs: BAC > .20	DWI-5581-S9	40 D
2nd DWI commercial vehicle w/in 5 to 10 yrs: BAC .15-.20	DWI-5582-S9	20 D
2nd DWI commercial vehicle w/in 5 to 10 yrs: BAC >.20	DWI-5583-S9	30 D
2nd DWI commercial vehicle w/in 10 yrs: BAC .15-.20	DWI-5584-S9	20 D
2nd DWI commercial vehicle w/in 10 yrs: BAC >.20	DWI-5585-S9	30 D
2nd DWI commercial vehicle w/in < 5 yrs. w/child	DWI-5586-S9	25 D
2nd DWI commercial vehicle w/in < 5 yrs: BAC .15 to .20 w/child	DWI-5587-S9	35 D
2nd DWI commercial vehicle w/in < 5 yrs: BAC > .20 w/child	DWI-5588-S9	45 D
2nd DWI commercial vehicle w/in < 5 yrs., drug w/child	DWI-5589-S9	25 D
2nd DWI commercial vehicle w/in 5 to 10 yrs w/child	DWI-5591-S9	15 D
2nd DWI commercial vehicle w/in 5 to 10 yrs: BAC .15-.20 w/child	DWI-5592-S9	25 D
2nd DWI commercial vehicle w/in 5 to 10 yrs: BAC >.20 w/child	DWI-5593-S9	35 D
2nd DWI commercial vehicle w/in 5 to 10 yrs: drug w/child	DWI-5594-S9	15 D
2nd DWI commercial vehicle w/in 10 yrs: BAC .15-.20 w/child	DWI-5596-S9	25 D
2nd DWI commercial vehicle w/in 10 yrs: BAC >.20 w/child	DWI-5597-S9	35 D
3rd DWI commercial vehicle within 5 yrs. w/child	DWI-5598-F6	6M 5D
3rd DWI commercial vehicle within 10 yrs. w/child	DWI-5599-F6	95 D
4th DWI commercial vehicle within 10 yrs.	DWI-5602-F6	1 Y
4th DWI commercial vehicle within 10 yrs. w/child	DWI-5603-F6	1Y 5D
Prior DWI manslaughter, assault, felony commercial DWI	DWI-5604-F6	1 Y
Prior DWI manslaughter, assault, felony DWI w/child	DWI-5606-F6	1Y 5D
Prior DWI manslaughter, assault, felony DWI, BAC .15 to .20 w/child	DWI-5607-F6	1Y 5D
Prior DWI manslaughter, assault, felony DWI, BAC > .20 w/child	DWI-5608-F6	1Y 5D
Prior DWI manslaughter, assault, felony commercial DWI, BAC .15 to .20	DWI-5667-F6	1 Y

Description	Code	Mandatory Minimum
Prior DWI manslaughter, assault, felony commercial DWI, BAC > .20	DWI-5668-F6	1 Y
4th DWI commercial vehicle within 10 yrs., BAC .15 to .20 w/child	DWI-5669-F6	1Y 5D
4th DWI commercial vehicle within 10 yrs., BAC > .20 w/child	DWI-5670-F6	1Y 5D
4th DWI commercial vehicle within 10 yrs., BAC .15 to .20	DWI-5671-F6	1 Y
4th DWI commercial vehicle within 10 yrs., BAC > .20	DWI-5672-F6	1 Y
3rd DWI commercial vehicle within 5 yrs., BAC .15 to .20 w/child	DWI-5673-F6	6M 5D
3rd DWI commercial vehicle within 5 yrs., BAC > .20 w/child	DWI-5674-F6	6M 5D
3rd DWI commercial vehicle within 10 yrs., BAC .15 to .20 w/child	DWI-5675-F6	95 D
3rd DWI commercial vehicle within 10 yrs., BAC > .20 w/child	DWI-5676-F6	95 D
3rd DWI commercial vehicle within 10 yrs., BAC .15 to .20	DWI-5677-F6	90 D
3rd DWI commercial vehicle within 10 yrs., BAC > .20	DWI-5678-F6	90 D
Third conviction within 5 Years, BAC .15 to .20	DWI-5680-F6	6 M
Third conviction within 5 Years, BAC > .20	DWI-5681-F6	6 M
Third conviction within 10 Years, BAC .15 to .20	DWI-5682-F6	90 D
Third conviction within 10 Years, BAC > .20	DWI-5683-F6	90 D
Third conviction within 5 Years, BAC .15 to .20 w/child	DWI-5684-F6	6M 5D
Third conviction within 5 Years, BAC > .20 w/child	DWI-5685-F6	6M 5D
Third conviction within 10 Years, BAC .15 to .20 w/child	DWI-5686-F6	95 D
Third conviction within 10 Years, BAC > .20 w/child	DWI-5687-F6	95 D
Fourth or subsequent conviction within 10 yr., BAC .15 to .20	DWI-5688-F6	1 Y
Fourth or subsequent conviction within 10 yr., BAC > .20	DWI-5689-F6	1 Y
Fourth or subsequent conviction within 10 yr., BAC .15 to .20 w/child	DWI-5690-F6	1Y 5D
Fourth or subsequent conviction within 10 yr., BAC > .20 w/child	DWI-5691-F6	1Y 5D
Prior DWI manslaughter, assault, felony DWI, BAC .15 to .20	DWI-5692-F6	1 Y
Prior DWI manslaughter, assault, felony DWI, BAC > .20	DWI-5693-F6	1 Y
Prior DWI manslaughter, assault, felony DWI, BAC .15 to .20 w/child	DWI-5694-F6	1Y 5D
Prior DWI manslaughter, assault, felony DWI, BAC > .20 w/child	DWI-5695-F6	1Y 5D
3rd DWI commercial vehicle within 5 yrs., BAC .15 to .20	DWI-5696-F6	6 M
3rd DWI commercial vehicle within 5 yrs., BAC > .20	DWI-5697-F6	6 M
Escape from a correctional facility	ESC-4921-F6	1 Y
Publish name of law-enforcement intent to harass, etc.	FRD-2540-F6	6 M
Petit larceny-third conviction	LAR-2369-F6	30 D
Operate vehicle, license revoked - endangerment	LIC-6832-F9	12 M
Operate vehicle, license revoked - no endangerment	LIC-6833-M1	10 D
Operate veh., license revoked - no endangerment	LIC-6833-M9	10 D
Operate vehicle, license revoked - 2nd or subsequent	LIC-6834-F9	12 M
DWI & declared habitual inmate for DWI or Inv. manslaughter	LIC-6848-F9	1 Y
Operate vehicle after license revoked - no endangerment	LIC-6849-M9	10 D
Operate vehicle after license revoked - endangerment	LIC-6850-F9	12 M
Operate vehicle after license revoked - 2nd or subsequent	LIC-6851-F9	12 M
Operate vehicle after license revoked - no endangerment	LIC-6852-M9	10 D
Operate vehicle after license revoked - endangerment	LIC-6853-F9	12 M
Operate vehicle after license revoked - 2nd or subsequent	LIC-6854-F9	12 M
Operate vehicle after license revoked - no endangerment	LIC-6855-M9	10 D
Operate vehicle after license revoked - endangerment	LIC-6856-F9	12 M
Operate vehicle after license revoked - 2nd or subsequent	LIC-6857-F9	12 M
Operate vehicle after license revoked - no endangerment	LIC-6858-M1	10 D
Operate vehicle after license revoked - endangerment	LIC-6859-F9	12 M
Operate vehicle after license revoked - DWI, etc., violation	LIC-6860-F9	12 M
Operate vehicle after license revoked - 2nd or subsequent	LIC-6861-F9	12 M
License revoked - drive while (Third or Subsequent within 10 years)	LIC-6863-M1	10 D
Participation in crime for benefit/direction of gang - school, etc.	MOB-1280-F5	2 Y
Participation in crime for gang that includes juvenile - school, etc.	MOB-1281-F4	2 Y
Law enforcement officer	MUR-0923-F1	Life
Involuntary manslaughter, under the influence - vehicular, aggravated	MUR-0948-F9	1 Y
Involuntary manslaughter, under the influence - watercraft, aggravated	MUR-0949-F9	1 Y
Sell, poss. w/intent, distribute, etc. - second conviction	NAR-3038-F9	3 Y
Anabolic steroids - sell, distribute, etc.	NAR-3041-F9	6 M
Gross \$500,000 or more within 12 month period	NAR-3046-F9	20 Y
Heroin - sell, dist., etc., 100 kg. or more	NAR-3047-F9	20 Y

Description	Code	Mandatory Minimum
Cocaine/Derivatives - sell, dist., etc., 500 kg or more	NAR-3048-F9	20 Y
Crack/Cocaine base - sell, dist., etc., 1.5 kg or more	NAR-3049-F9	20 Y
Sell Sch. I/II or 1oz or more marijuana to minor	NAR-3062-F9	5 Y
Sell	NAR-3063-F9	2 Y
Transport into Commonwealth - 1 oz. or more of Cocaine	NAR-3065-F9	3 Y
Transport into Commonwealth - 1 oz. or more other Sch. I/II	NAR-3066-F9	3 Y
Transport into Commonwealth - 5 lbs. or more marijuana.	NAR-3067-F9	3 Y
Sell, distribute, etc. marijuana 3rd or subsequent felony	NAR-3085-F9	3 Y
Sell, distribute, etc., marijuana 3rd or subsequent felony	NAR-3085-F9	5 Y
Transport into Commonwealth - 5 lbs. or more marijuana. - 2nd or subsq.	NAR-3086-F9	10 Y
Sell, poss. w/intent, distrib. etc.- 3rd or subsequent	NAR-3087-F9	3 Y
Sell, poss. w/intent, distribute, etc. - third or subsequent	NAR-3087-F9	10 Y
Sell, poss. w/intent, distribute, etc. - third or subsequent	NAR-3087-F9	5 Y
Transport into Commonwealth - 1 oz. or more of Cocaine, 2nd/subsq.	NAR-3088-F9	10 Y
Transport into Commonwealth - 1 oz. or more other Sch.I/II, 2nd/subsq.	NAR-3089-F9	10 Y
Gross \$100,000 to < \$250,000 within 12 month period	NAR-3090-F9	20 Y
Type Not Clear - Distribute Schd. I/II or marijuana - quantity defined	NAR-3091-F9	20 Y
Gross \$250,000 or more within 12 month period	NAR-3092-F9	40, Life
Type Not Clear - Distribute Schd. I/II or marijuana - quantity defined	NAR-3093-F9	40, Life
Type Not Clear - Distribute Schd. I/II - quantity defined	NAR-3094-F9	20 Y
Sell Sch. I/II drug to minor	NAR-3097-F9	5 Y
Sell 1 oz. or more of marijuana to minor	NAR-3098-F9	5 Y
Distribute, etc., controlled substance on school property - 2nd/Subsq.	NAR-3099-F6	1 Y
Heroin mixture, distribute, etc., 1.0 kilograms or more	NAR-3111-F9	20 Y*
Cocaine mixture, etc., distribute, etc., 5.0 kilograms or more	NAR-3112-F9	20 Y*
Cocaine base, distribute, etc., 2.5 kilograms or more	NAR-3113-F9	20 Y*
Marijuana mixture, etc., distribute, etc., 100 kilograms or more	NAR-3114-F9	20 Y*
Methamphetamine, distribute, etc., 100g or more (200g mixture)	NAR-3115-F9	20 Y*
Heroin mixture, distribute etc. 1.0 kilograms less than 5.0 kilograms	NAR-3116-F9	20 Y
Cocaine mixture distribute etc. 5.0 kilograms less than 10.0 kilograms	NAR-3117-F9	20 Y
Cocaine base, distribute etc. 2.5 kilograms less than 5.0 kilograms	NAR-3118-F9	20 Y
Distribute etc.,100 kilograms, less than 250.0 kilograms marijuana mix	NAR-3119-F9	20 Y
Methamphetamine, distribute etc. 100g < 250g / 200g < 1 kg mixture	NAR-3120-F9	20 Y
Heroin mixture, distribute etc. 5.0 kilograms or more	NAR-3121-F9	40, Life
Cocaine mixture, distribute etc. 10.0 kilograms or more	NAR-3122-F9	40, Life
Cocaine base, distribute etc. 5.0 kilograms or more	NAR-3123-F9	40, Life
Distribute etc., 250.0 kilograms or more marijuana mixture	NAR-3124-F9	40, Life
Methamphetamine, distribute etc. 250g or more / 1kg or more mixture	NAR-3125-F9	40, Life
Sell	NAR-3126-F9	2 Y
Sell 1 oz. or more of marijuana, minor assists in distribution	NAR-3127-F9	5 Y
Sell Sch. I/II drug, minor assists in distribution	NAR-3128-F9	5 Y
Manufacture methamphetamine - 3rd or subsequent conviction	NAR-3133-F9	3 Y
Heroin, distribute, etc., 100g or more	NAR-3144-F9	5 Y*
Cocaine mixture, etc., distribute, etc., 500 g or more	NAR-3145-F9	5 Y*
Cocaine base, distribute, etc., 250g or more	NAR-3146-F9	5 Y*
Methamphetamine, distribute, etc., 10g or more (20g mixture)	NAR-3147-F9	5 Y*
Methamphetamine, distribute, etc., 28g or more	NAR-3149-F9	3 Y
Methamphetamine, distribute, etc., 227g or more	NAR-3151-F9	5 Y
Sell, etc., synthetic marijuana (cannabinoids) to minor	NAR-3157-F9	2 Y
Sell synthetic marijuana (cannabinoids), minor assists in distribution	NAR-3158-F9	2 Y
Solicitation of child porn to gain entry to group, subsequent	OBS-3678-F9	5 Y
Reproduce, transmit, sell, etc., child porn, subsequent	OBS-3681-F9	5 Y
Reproduce, transmit, sell, etc., child porn, subsequent	OBS-3683-F9	5 Y
Finance child porn, age < 15, inmate 7+ yrs.	OBS-3684-F9	15 Y
Finance child porn, age < 15, inmate 7+ yrs., 2nd/Subsq.	OBS-3686-F9	3 Y
Finance child porn, age 15+, inmate 7+ yrs.	OBS-3687-F9	10 Y
Finance child porn, age 15+, inmate 7+ yrs., 2nd/Subsq.	OBS-3691-F9	1 Y
Propose sex act by communications sys. age 15+, inmate 7+ yr, 2nd+	OBS-3702-F9	5 Y
Propose sex act by communications sys. age	OBS-3703-F9	10 Y
Propose sex act by communications sys. age	OBS-3742-F9	5 Y

Description	Code	Mandatory Minimum
Entice minor to perform in porn, age	OBS-3743-F9	15 Y
Entice minor to perform in porn, age	OBS-3745-F9	3 Y
Entice minor to perform in porn, age 15+, inmate 7+ yrs.	OBS-3746-F9	10 Y
Entice minor to perform in porn, age 15+, inmate 7+ yrs., 2nd/Subsq.	OBS-3748-F9	5 Y
Produce, make child porn, age	OBS-3749-F9	15 Y
Produce, make child porn, age	OBS-3751-F9	3 Y
Produce, make child porn, age 15+, inmate 7+ yrs.	OBS-3752-F9	10 Y
Produce, make child porn, age 15+, inmate 7+ yrs., 2nd/Subsq.	OBS-3754-F9	5 Y
Take part, film child porn, age < 15, inmate 7+ yrs.	OBS-3755-F9	15 Y
Take part, film child porn, age < 15, inmate 7+ yrs., 2nd/Subsq.	OBS-3757-F9	3 Y
Take part, film child porn, age 15+, inmate 7+ yrs.	OBS-3760-F9	10 Y
Take part, film child porn, age 15+, inmate 7+ yrs., 2nd/Subsq.	PRT-5001-M1	60 D
Violation of protective order (violence) 2nd w/in 5 yrs.	PRT-5002-F6	6 M
Violation of protective order (violence) 2nd w/in 5 yrs.	PRT-5066-M1	60 D
Violation of protective order (violence) 3rd w/in 20 yrs.	PRT-5067-F6	6 M
Violation of protective order (violence) 3rd w/in 20 yrs.	RAP-1131-F9	Life
Violation of protective order (violence) 2nd w/in 5 yrs.	RAP-1150-F9	25 Y
Violation of protective order (violence) 2nd w/in 5 yrs.	RAP-1151-F9	25 Y
Violation of protective order (violence) 3rd w/in 20 yrs.	RAP-1152-F9	25 Y
Violation of protective order (violence) 3rd w/in 20 yrs.	RAP-1153-F9	Life
Intercourse with victim under age 13 (indicted as an adult)	RAP-1154-F9	Life
Intercourse with victim under age 13, w/kidnapping, burglary, wounding	REC-6633-F9	1 Y
Victim under age 13, w/kidnapping, burglary, wounding	TRS-5728-F6	30 D
Victim under age 13, w/kidnapping, burglary, wounding	TRS-5728-M1	30 D
Victim under age 13 (indicted as an adult)	VAN-2905-F4	1 Y
Victim under age 13 (indicted as an adult)	VAN-2906-F6	1 Y
Cause death of another by racing	WPN-3159-F6	5 Y
Hate crime; intent to damage property	WPN-5256-F9	3 Y
Intent to damage property; hate crime	WPN-5257-F6	5 Y
Shoot or throw missile at law enforc./emerg. veh. w/malice	WPN-5257-F9	5 Y
Shoot or throw missile at law enforc./emerg. veh. w/o malice	WPN-5277-F9	3 Y
Sell, etc., synthetic cannabinoids while possessing a firearm	WPN-5278-F6	5 Y
Sell Sch. I/II drug while possessing firearm	WPN-5278-F9	5 Y
Sell Schedule I or II drug while possessing firearm	WPN-5283-F4	1 Y
Sell, etc., Schedule I/II drug while possessing firearm	WPN-5284-F4	1 Y
Sell Sch. I/II drug while poss. a firearm - subsequent	WPN-5285-F4	5 Y
Sell 1 lb. or more marijuana/ possess firearm	WPN-5285-F5	5 Y
Sell 1 lb. or more marijuana while possessing firearm	WPN-5286-F4	5 Y
Sell, etc., more than 1 lb. marijuana while possessing firearm	WPN-5286-F5	5 Y
Sell 1 lb. or more marij./ possess firearm - subsequent	WPN-5296-F6	5 Y
Purchase firearm - provide to ineligible person	WPN-5297-F6	2 Y
Transport firearm out of state - provide to ineligible person	WPN-5299-F6	5 Y
Provide > 1 firearm to ineligible person through purchase/trans.	WPN-5300-F9	5 Y
Provide > 1 firearm to ineligible person through purchase/trans.	WPN-5302-F6	2 Y